



## DETECTIVE GUIDE

Section: Personnel		Procedure No: 512-05	
SEALED RECORDS PROGRAM			
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### DEFINITIONS

SEALED RECORDS – includes sealed adult, juvenile offender and juvenile delinquent arrest records and confidential youthful offender arrest records.

SEALED RECORDS PROGRAM – program that ensures authorized Detective Bureau personnel have access to Sealed Records.

### PROCEDURE

The Sealed Records Program will be managed in compliance with the following procedure:

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1. Confer and coordinate with Commanding Officer, Central Investigation and Resource Division (CO CIRD) regarding Sealed Records Program policies and procedures.
2. Manage the Sealed Records Program and ensure:
  - a. Only authorized personnel access Sealed Records
  - b. Sealed Records are only accessed regarding a criminal investigation involving a felony or serious crime
  - c. The determination whether a misdemeanor constitutes a serious crime is only made by a person designated a Squad / Unit Commander
  - d. Sealed Records are not improperly printed, copied or disseminated
  - e. Information documented in a sealed record is not included in a Detective Bureau Unusual Occurrence Report or Detective Bureau Preliminary Investigation Worksheet
  - f. All personnel comply with the policies contained in the “Certification - Guidelines for Access to and Use of Sealed Adult, Juvenile Offender and Juvenile Delinquent Arrest Records and Confidential Youthful Offender Arrest Records” form (Appendix A)
  - g. There are no violations of the Sealed Records Program procedures
  - h. Appropriate corrective action is taken if there is a violation of the Sealed Records Program procedures.
3. Designate Captain to assist regarding management of Sealed Records Program.
4. Designate appropriate Detective Bureau supervisors and a limited number of essential non-supervisory Detective Bureau personnel who will be authorized to access Sealed Records.
5. Ensure each person who will be authorized to access Sealed Records receives mandatory Sealed Records Program training.
6. Ensure each person who will be authorized to access Sealed Records examines, prepares and signs “Certification - Guidelines for Access to and Use of Sealed Adult, Juvenile Offender and Juvenile Delinquent Arrest Records and Confidential Youthful Offender Arrest Records” form.



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DIVISION  
EXECUTIVE  
OFFICER  
(continued)**

7. Examine and sign "Certification - Guidelines for Access to and Use of Sealed Adult, Juvenile Offender and Juvenile Delinquent Arrest Records and Confidential Youthful Offender Arrest Records" form regarding each person who will be authorized to access Sealed Records.
8. Prepare and sign **Typed Letterhead** addressed to the Commanding Officer, CIRD requesting access to Sealed Records for authorized personnel.
  - a. The "Subject" is: REQUEST ACCESS TO SEALED RECORDS
  - b. Provide the rank, last name, first name, tax #, command and command code regarding each person who is authorized to access Sealed Records
  - c. List the rank, last name, first name, tax #, command and telephone number of person who provided the Sealed Records Program training.
9. Ensure signed **Typed Letterhead** and all original "Certification - Guidelines for Access to and Use of Sealed Adult, Juvenile Offender and Juvenile Delinquent Arrest Records and Confidential Youthful Offender Arrest Records" forms are delivered to the CO CIRD.
10. Direct Detective Borough / Division Integrity Control Officer to file at the Detective Borough / Division a copy of all Sealed Records Program related documents for each person who is authorized to access Sealed Records.
11. By the 10<sup>th</sup> day of each month, confer with CO CIRD and implement required actions in order to remove or add personnel authorized to access Sealed Records (e.g., transferees, promotees, retirees).
12. Ensure the Sealed Records Program management control program is properly implemented and frequently evaluate results of management control program audits.
  - a. Ensure appropriate corrective action is taken if there is a violation of the Sealed Records Program procedures.
13. On July 10<sup>th</sup> of each year reevaluate the Sealed Records Program and make recommendations to the CO CIRD regarding Sealed Records Program documentation, policies, procedures, etc.



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### **Certification - Guidelines for Access to and Use of Sealed Adult, Juvenile Offender and Juvenile Delinquent Arrest Records, and Confidential Youthful Offender Arrest Records**

New York State Criminal Procedure Law sections 160.50(1)(c), 160.55(1)(c), and 720.35(2) and New York State Family Court Act sections 375.1 and 375.2 prohibit the dissemination of confidential and sealed records to individuals outside of the Department. However, these records may be viewed by Department personnel **for investigative purposes only pursuant to the following guidelines.**

Accessing, reading or utilizing sealed adult, juvenile offender and juvenile delinquent arrest records or confidential youthful offender arrest records (hereinafter "records") through the BADS, OMNI, ECMS or any other Department system may only be done by **a member of the service with an approved access code**. The information contained in these records may **only** be used in connection with a **criminal investigation** as described below.

- A. Records may only be accessed in connection with the investigation of felonies and other serious crimes. What constitutes a serious crime will be determined by the Commanding Officer of the unit seeking access to the records.
- B. Records should be accessed in read-only fashion i.e. by viewing the records from the computer screen. Records should not be printed from the screen, copied to a computer drive, portable storage device or recreated in any other manner. If there is an absolute need to print any record, copies of the printout should be destroyed immediately after review. Under no circumstances may a printout containing information from these records be included in a case file.
- C. Under the law, these records may not be made available to any person, public or private agency without express statutory authority under very limited circumstances. Neither records nor the information contained therein may be disclosed outside the Department, including to any other government agency, law enforcement agency, district attorney or other prosecutor. Under no circumstances should information contained in these records be disclosed to the press or news media.

Members of the service who may have questions regarding the accessing or utilization of records may **contact the Legal Bureau** at 646-610-5400.

I have read the above guidelines and agree to abide by the guidelines when accessing sealed adult, juvenile offender and juvenile delinquent arrest records or confidential youthful offender arrest records.

Rank/Name of Member of Service ( <i>printed</i> )	Tax No.	Command	Cmd. Code
Signature of Member of Service		Date	
Rank/Name of Boro/Division Executive Officer ( <i>printed</i> )	Tax Number	Command	
Signature of Boro/Division Executive Officer		Date	